

A meeting of the New Hampshire Water Well Board was held on December 4, 2003 at 9:30 am, in rooms 112 & 113, 29 Hazen Drive, Concord, NH, 03302.

Present were: Terrell Swain, Chairman
Rene Pelletier, Secretary
Board members: Bart Cushing, Jeffrey Tasker and Peter Caswell.
Staff: Rick Schofield and Tim Wilson

Chairman Swain brought the meeting to order at 9:30.

Approval of Minutes

Mr. Caswell identified a discrepancy between board member attendance of the October 2nd, 2003 meeting and what was recorded in the draft minutes for that meeting.

Upon motion by Mr. Cushing, seconded by Mr. Pelletier, the Board voted unanimously to accept the Minutes of the October 2nd meeting with corrections to accurately reflect attendance.

Licensing

New Applicants

The membership reviewed the list of New License Applicants. Chairman Swain requested that Mr. Harrison Mackey to be available to answer questions regarding the applicants. Mr. Caswell questioned the intent of John D. Brewer d/b/a J&B's Frac Service who was applying for a Pump Installers license. Mr. Caswell wanted to know if it was Mr. Brewer's intent to Hydrofracture wells with a Pump Installers license. Mr. Mackey said he would inquire when Mr. Brewer sits for the exam.

Mr. Cushing questioned the experience of Donald Green d/b/a Easton Water Treatment. Mr. Mackey provided details from the application submitted by Mr. Green. After discussion it was decided that Mr. Mackey would contact one of his previous employers to verify the nature of his work experience.

There was additional discussion around the timing of the 2004 exam schedule being coordinated with Board meetings. It was the intent of the Board to conduct a review of new license applicants prior to the applicants taking the exam. Mr. Schofield referred to the rules that stipulate "*examinations shall be offered at intervals no less than 90 days.*" Members of the Board discussed that if an applicant failed an exam, they could petition the board for an exemption to retake the exam sooner than 90 days under the Undue Hardship rules outlined in RSA 482-B:13 and We 204.

Draft License Application Form

Mr. Schofield provided the Board with a draft of a new License Application Form to address deficiencies in the current application. Significant improvements included the requirement of industry related references and the addition of a reference form to be completed by the reference that would be sent directly to the Water Well Board. The membership reviewed the draft form and added suggestions to further refine the document. Of primary focus were the validity, utilization and confidentiality of

information provided by references. An issue was raised surrounding the confidentiality of references and it was suggested to wait on the finalization of the form until legal advice was obtained.

Petition for Rulemaking (Decommissioning Rules)

Chairman Swain allowed the Board to review a petition for rulemaking submitted by Mr. Roger Skillings. The petition asked the Board to amend rule We 604.04(c), which reads:

“Abandoned drilled wells penetrating bedrock or unconsolidated materials shall be sealed by grouting the entire length of the well.”

Mr. Skillings petition would amend the rule to read:

“Abandoned drilled wells penetrating bedrock shall be sealed by grouting the well from a minimum of 40 feet below the bottom of the casing to 4 feet below the ground surface. The remainder of the well shall be filled to support the seal material. The following fill materials may be used below the grout seal:

- 1) Bentonite grout;*
- 2) Concrete;*
- 3) Sand;*
- 4) ¾ inch washed stone.*

When the casing is cut below grade a two-foot cement cap shall be installed above the seal.”

Mr. Skillings proposal is similar to the former method of sealing abandoned wells adopted under the 1997 rules.

Chairman Swain called Mr. Skillings to the Board.

Mr. Skillings outlined his rationale for the petition stating that well owners are reluctant to properly decommission a well under the current rules due the high cost. He estimated that the current cost to decommission a well would be \$7.00/ft. Mr. Skillings felt that by adopting his rule change more people would decommission wells that would otherwise go neglected or cut off below grade, leading to a potential conduit for groundwater contamination.

Mr. Cushing commented that it is the industry standard to completely seal the well and that not complying with that standard opens the driller up to liability for possibly interconnecting aquifers. He inquired about the number of decommissioning reports that the Board receives annually and compare that to replacement wells submitted. Mr. Cushing added that replacement wells are being installed because the original supply didn't supply enough water or the water is contaminated or non-potable. Mr. Schofield offered a suggestion for compromise between the current rule and Mr. Skillings proposal. That was to fill the well with aggregate but incorporate bentonite plugs at 100' intervals lowering the cost and minimizing vertical migration of groundwater or potential contaminants from one fracture to another. Chairman Swain suggested that there are less expensive alternative sealing materials available with new technologies being developed in the industry. Chairman Swain also felt that relaxing the standards for sealing wells is not acceptable. The issue of well decommissioning reports arose. Staff suggested that roughly 25 well reports are submitted annually as decommissioned. Chairman Swain felt

that many more wells were decommissioned but were not reported. Mr. Cushing formally requested that staff query the database to provide specific numbers on decommissioned and replacement wells. The issue of how to encourage or enforce well decommissioning became the focus of discussion. Mr. Schofield offered a draft Abandoned Well Registration Form to be discussed as a separate item later; however it became relevant to the current discussion. His hope was that this form would make reporting easier for the drillers and as written, would provide specific information about the necessity for well replacement and further detail on the abandonment process. Mr. Pelletier suggested that the responsibility be put on the homeowner. Specifically that they should either decommission the well properly or keep the replaced well head above grade and if so, that it be recorded into the deed that a non-decommissioned well exists on the property. He felt that the second option would provide adequate incentive for homeowners to decommission the well. Further iterations of this option were suggested. Chairman Swain agreed with the idea in general stating that homeowner responsibility would provide much needed checks and balances. Other members felt that the suggested process would be adding another layer of bureaucracy. Chairman Swain also added that public outreach in the matter would be very beneficial. Making homeowners aware of the risks and liabilities of leaving a well head abandoned and unprotected.

Upon motion by Mr. Cushing and seconded by Mr. Pelletier the Board unanimously voted to deny the petition due to a lack of supporting data to make an informed decision.

Old Business

Gap Mountain Well and Pump, L.L.C.

Mr. Schofield announced that Mr. Tupper d/b/a Gap Mountain Well & Pump L.L.C. renewed his Wash Well, Dug Well, and Pump Installer's license. This came after a letter was sent to him by the Board ordering him to cease all drilling operations. Mr. Tupper's license had lapsed in July 2003 but he continued to advertise.

Well Database Query-New Output Format

Mr. Schofield presented the Board with a printout of query results from the water well database. This new output format reflected the changes requested by board members at the October 2nd, 2003 meeting. This format was agreeable to the board members.

Fact Sheet – BMP's for Well Drilling Operations Near Surface Waters

Mr. Schofield presented the Board an amended Fact Sheet based on suggestions submitted by Mr. Cushing. The original fact sheet was brought forth at the October 2nd, 2003 meeting. There were no additional suggestions made.

Private Well Questionnaires

Mr. Schofield discussed the results from the polling of New Hampshire towns regarding local permitting and regulations for well drilling operations. He reported that of the 259 towns only 81 returned the questionnaire. He went on to say that updating this information from the 1997

polling is important for the Water Well Association because violations are occurring in towns where permitting and regulations have changed since the last publication releasing this information. Mr. Caswell noted that he should have received the questionnaire as he is his town's Health and Sanitation Officer but did not. The Board agreed that there should be a second mailing to the towns that did not respond and address the letter to the Board of Selectman/Code Enforcement in hopes that the letter reaches the appropriate town official.

McKeage/Nash

Mr. Schofield provided the Board with an update.

The McKeage's contacted the Water Well Board and the Attorney General's Office (AGO) requesting that Eddie Nash & Son's be forced to pay for the cost of their new bedrock well. The AGO contacted Waystack & King (Nash's attorney) regarding the possibility of compensation. They conferred with their client who denied paying. The McKeage's were informed that they may wish to hire an attorney and take the matter up privately.

New Business

Power Pipe

Mr. Schofield requested input from the Board whether or not Power Pipe (HDPE construction) should require a Torque Arrestor. We 702.05 (l) states that one is required for pump installations with exemptions outlined in We 702.05(m). The majority of opinions were that installations using Power Pipe are also required to use a torque arrestor.

Well Abandonment Reports (Proposed)

Mr. Schofield presented the Board with a draft copy of a proposed Abandoned Well Registration Report. Mr. Schofield stated that there are numerous inquiries about how to file an abandoned well report and felt this would make the process easier and hopefully increase reporting. He stated that currently the Well Completion Report is modified by the water well contractor to reflect decommissioning but it does not provide important information about the process. After discussion on the issue and a few suggested changes to the form it was decided that it would be posted on the Water Well Board website for downloading by water well contractors or it could be requested by mail.

2004 Meeting Schedule

Chairman Swain presented the Board with a list of proposed Water Well Board meeting dates for 2004. Meetings will convene at 9:30 am, or as otherwise stipulated by the Chairman.

Dates adopted:

February 5th, 2004

April 1st, 2004

June 3rd, 2004

August 5th, 2004

October 7th, 2004
December 2nd, 2004

Letters

Mr. Schofield presented two letters to the Board that was of interest. The first letter from Edward Carrier was notifying the Board that he would not be renewing his pump installer's license. The second letter was thanking the Board for granting a 90 day extension on the time period for obtaining continuing education units.

Fact Sheet – Design Criteria for Wells Constructed in Vaults

Mr. Schofield presented the Board with a Proposed Fact Sheet for Minimum Criteria for Constructing Below Grade Vaults for Wells. The Fact Sheet was drafted by Jim Gill of the Water Supply Engineering Bureau and he was interested in obtaining input from the Board. Although there was discussion on the issue no input was provided.

Additional Items

Pump Test Requirements for Domestic Wells

Mr. Schofield asked the Board for input on an inquiry he received by the Derry Code Enforcement Officer, Mr. Bob Mackey. The town has an ordinance, which requires any new wells that produce less than 2 gpm to be pump tested for a 48 hour period to ensure that the yield can be sustained and the household will not run out of water. Mr. Mackey was concerned that a 48 hour pump test would be a financial burden for homeowners and was inquiring if any State standard or fact sheet was available on the subject. Following discussion on the issue the membership agreed that a 4 hour pump test conducted on two consecutive days would be adequate for a private domestic supply. The Board also suggested that the fact sheet on Recommended Minimum Water Supply Capacity for Private Wells (WD-WSEB-1-8) be mailed to Mr. Mackey.

Non-Conforming Location Forms

Chairman Swain raised an issue about Non-Conforming Location forms. Chairman Swain was concerned that the forms were not being used or filed pursuant to We 602.05(i). Board members agreed that a copy of the form should reside with the well contractor and the homeowner. Mr. Schofield added that the forms are not required to be submitted to the Board, however when supplied they are usually attached to well completion report. Also, that the *new* Well Completion Reports have a check box to identify whether or not the well requires a Non-Conforming Location Form. Mr. Swain identified a situation where a septic system was to be installed 15 feet from an adjacent property and non-conforming well that the owner was unaware of.

The meeting was adjourned.

Rene Pelletier
Water Well Board Secretary